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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 U.S. BANK NATIONAL ASSOCIATION, AS
TRUSTEE FOR J.P. MORGAN MORTGAGE
11 TRUST 2006-A-7,

12 Plaintiff,

13 vs.

14 SOUTHERN HIGHLANDS COMMUNITY
ASSOCIATION; and SFR INVESTMENTS
15 POOL 1, LLC,

16 Defendants.
17

Case No. 2:18-cv-00205-GMN-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY AND
DISPOSITIVE MOTION DEADLINES**

(Fourth Request)

18 SFR Investments Pool 1, LLC (“SFR”) and U.S. Bank National Association, as Trustee for
19 J.P. Morgan Mortgage Trust 2006-A-7, (“U.S. Bank”) hereby respectfully submit this Stipulation
20 and Order to Extend Discovery and Dispositive Motion Deadlines pursuant to LR 26-4 and LR IA
21 6-1. This is the Parties fourth request for an extension of the deadlines.

22 On June 14, 2024, the parties discussed the necessity to extend the discovery and
23 dispositive motion deadlines. In January 2024, SFR served a subpoena duces tecum on Miles
24 Bauer Bergstrom & Winters. Despite several follow-up emails with Douglas Miles, the Custodian
25 of Records for Miles Bauer Bergstrom & Winters and despite repeated assurances from Mr. Miles
26 that he was working on compiling the documents responsive to the subpoena, by early May 2024,
27 Miles Bauer had still not answered the subpoena duces tecum. As a result, on May 7, 2024, SFR
28

1 issued requests for production of documents to U.S. Bank which mirrored the requests to Miles
2 Bauer. On June 3, 2024, 21-days before the close of discovery, SFR counsel's emailed U.S. Bank's
3 counsel and inquired whether U.S. Bank would be responding to the requests for production of
4 documents which were due on May 6, 2024. U.S. Bank's counsel indicated yes it would be
5 responding.

6 In anticipation of receiving the responses, on June 3, 2024, SFR's counsel also emailed
7 Rock Jung to re-schedule his deposition within the discovery period. As indicated in the parties'
8 prior stipulations, SFR cannot depose Mr. Jung until it receives the documents it requested of Miles
9 Bauer/U.S. Bank. On June 6, 2024, Mr. Jung responded that he was currently working remotely
10 overseas for the summer and was not available any time within the discovery period. On that same
11 date, SFR's counsel asked when he was arriving back and also indicated the deposition could be
12 taken remotely. To date, Mr. Jung has not responded. On that same date, SFR's counsel updated
13 U.S. Bank's counsel about the email exchange.

14 On May 6, 2024, SFR received U.S. Bank's responses, but believes the responses are not
15 full and complete. As such, on June 14, 2024, SFR's counsel and U.S. Bank's counsel conducted
16 a meet and confer wherein U.S Bank agreed to re-look at its production and produce additional
17 documents, although there may be some documents that U.S. Bank objects to providing. U.S
18 Bank's counsel indicated he will be out of town from June 24 and July 5, so between now and a
19 little after that date, the parties plan to work together on getting the documents requested by SFR.
20 To the extent there are objections to some, SFR and U.S. Bank reserve the right to file any
21 necessary motions.

22 The parties hereby request to extend the discovery deadlines to August 8, 2024, the
23 dispositive motions deadline to September 9, 2024,¹ and the Pre-trial Order deadline to October 9,
24 2024. Excusable neglect exists for not filing this stipulation 21-days before the discovery cut-off
25 because on June 3, 2024, (21-days before discovery cut-off) SFR verified it was going to receive
26 responses to the requests for production of documents and believed these responses would be
27

28 ¹ September 8, 2024 falls on a Sunday.

1 complete and then attempted to re-set Mr. Jung's deposition within the discovery period based on
2 this understanding. It was not until June 6, 2024 that SFR learned Mr. Jung was not available for
3 deposition and then it was not until June 10, 2024, SFR realized the responses were not complete.
4 On that date, SFR arranged for a meet and confer which took place as soon as practicable.

5 **I. DISCOVERY COMPLETED:**

6 A. Initial and Supplemental Disclosures:

- 7 1. On July 18, 2018, SFR served its Initial Disclosures.
- 8 2. On July 2, 2018, U.S. Bank served its Initial Disclosures.
- 9 3. On July 27, 2018, U.S. Bank served its Second Supplemental Disclosure.
- 10 4. On October 18, 2023, U.S. Bank served its Third Supplemental Disclosure.
- 11 5. On November 28, 2023, U.S. Bank served its Fourth Supplemental
12 Disclosure.
- 13 6. On December 20, 2023, U.S. Bank served its Fifth Supplemental
14 Disclosure.
- 15 7. On January 19, 2024, U.S. Bank served its Sixth Supplemental Disclosure.
- 16 8. On January 22, 2024, SFR served its First Post Remand Disclosures.
- 17 9. On February 6, 2024, SFR served its Second Post Remand Disclosures.
- 18 10. On March 11, 2024, U.S. Bank served its Seventh Supplemental
19 Disclosures.
- 20 11. On June 5, 2024, U.S. Bank served its Eighth Supplemental Disclosures.

21 B. Initial and Rebuttal Expert Disclosures:

- 22 1. On June 14, 2018, U.S. Bank served its Initial Expert Disclosure.

23 C. Written Discovery:

- 24 1. On June 27, 2018, U.S. Bank served its First Sets of Requests for
25 Admission, Interrogatories, and Requests for Production of Documents to
26 SFR.

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2. On July 25, 2018, SFR served its First Sets of Requests for Admission, Interrogatories, and Requests for Production of Documents to U.S. Bank.
3. On January 19, 2024, SFR served its First Post Remand Set of Interrogatories to U.S. Bank.
4. On January 19, 2024, U.S. Bank served its First Sets of Post Remand Requests for Admission, Interrogatories, and Requests for Production of Documents to SFR.
5. On May 7, 2024, SFR served its Requests for Production of Documents to U.S. Bank.

D. Depositions:

1. Deposition of Diane DeLoney, 30(b)(6) Representative for U.S. Bank, taken on July 6, 2018.
2. Deposition of David Alessi, 30(b)(6) Representative for Alessi & Koenig, LLC, taken on August 2, 2018.
3. Deposition of David Bembas, 30(b)(6) Representative of SFR, taken on August 14, 2018.
4. Deposition of Ryan Kerbow, Esq., taken on November 28, 2023.
5. Deposition of Jeremy Bergstrom, Esq. scheduled for November 28, 2023 (non-appearance entered).

E. Subpoenas:

1. Subpoena Duces Tecum to Custodian of Records for Miles, Bauer, Bergstrom & Winters, LLP. Served on January 25, 2024. Responses were due February 9, 2024. No response was received.

II. SPECIFIC DESCRIPTION OF DISCOVERY THAT REMAINS TO BE COMPLETED:

A. Written Discovery:

1. Follow-up requests based on the documents produced by U.S. Bank.

B. Depositions:

1. SFR's deposition of Rock Jung to be rescheduled. This deposition cannot be scheduled until SFR receives the documents it is seeking from Miles Bauer.

III. REASONS WHY DISCOVERY WAS NOT COMPLETED WITHIN TIME LIMITS SET BY DISCOVERY PLAN:

As required by LR 26-3, because this stipulation is being submitted after the twenty-one (21) days before the discovery deadline, the parties must demonstrate excusable neglect. Excusable neglect is present to allow the parties an additional forty-five (45) days to complete the remaining discovery. Specifically, SFR served a subpoena for records to Miles Bauer on January 25, 2024, and although the February 9, 2024, deadline to respond passed without any response from Miles Bauer, SFR kept receiving emails from Doug Miles assuring SFR it he was working on compiling the documents. By early May 2024, still having not received the responses, SFR issued mirror requests to U.S. Bank. On June 3, 2021, the 21-day deadline, SFR asked whether U.S. Bank intended to respond and was told it did. But on June 6, 2024, when SFR received U.S. Bank's responses, SFR believed the responses were incomplete, and promptly scheduled a meet and confer. During this same time period, SFR learned Mr. Jung is not available for deposition and has not received follow-up communication from Mr. Jung. While motion practice may still be necessary, and SFR and U.S. Bank reserve the right to file any motions they deem necessary, U.S. Bank and SFR are hopeful the issues will be resolved.

Accordingly, for the reasons stated above, excusable neglect exists for the parties' requested extension of the discovery and dispositive motion deadlines.

IV. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING DISCOVERY:

Event	Previous Deadline	New Deadline
Discovery Cut-off	Monday, June 24, 2024	Thursday, August 8, 2024
Dispositive Motions	Wednesday, July 24, 2024	Monday, September 9, 2024
Pre-Trial Order	Monday, August 26, 2024	Wednesday, October 9, 2024

1 The parties submit this Stipulation and Order in good faith and not for purposes of delay
2 or to prejudice any party.

3 DATED this 14th day of June 2024.

DATED this 14th day of June 2024.

4 **HANKS LAW GROUP**

AKERMAN LLP

5
6 /s/ Karen L. Hanks

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as Trustee for J.P. Morgan Mortgage Trust
2006-A-7*

11
12 **ORDER**

13 **IT IS SO ORDERED.**

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16 UNITED STATES MAGISTRATE JUDGE

17 DATED: 6/17/2024
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